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November 1, 2021

ECF

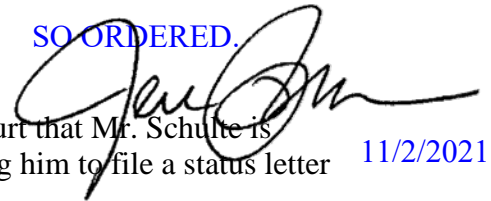
Honorable Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

As stand-by counsel undoubtedly knows, holding a conference sooner than Monday would be difficult, if not impossible, given the COVID-19 protocols in effect. Thus, that request is DENIED. Defendant need not submit a status letter by the November 5th deadline; the Court will address the other deadlines in its prior Order at the conference. Counsel for the Government should be prepared to discuss the issues discussed in this letter at the conference as well --- and, to that end, should confer in advance as needed with the USMS and the MDC. The Clerk of Court is directed to terminate ECF No. 571.

Re: *United States v. Joshua Adam Schulte*, 17 Cr. 548 (JMF)

Dear Judge Furman,

SO ORDERED.



11/2/2021

We write as stand-by counsel to Mr. Schulte to advise that Court that Mr. Schulte is unable to comply with the Court's order of October 28, 2021, directing him to file a status letter by November 5, 2021. *See* Docket Entry # 570.

On October 22, Mr. Schulte drafted a letter to the Court explaining that he had no access to his discovery since his move from the MCC to the MDC on October 17. As standby counsel, we intended to discuss the letter with Mr. Schulte before filing it with the Court on his behalf. Through no fault of his own, however, Mr. Schulte was not produced to the SCIF last week, and we were unable to meet with him during the week of October 24. Nor, despite many requests, was Mr. Schulte able to schedule a legal call with us until October 29, by which point the Court had already issued its order.

When we spoke to Mr. Schulte on October 29, he informed us that he had no access to a law library. As best he knows, the MDC has yet to build a law library for detainees held on special administrative measures. Mr. Schulte cannot make use of the hard drive on which his discovery is stored because no one at the MDC has charged the drive or the laptop that he uses for discovery review. Without access to the hard drive, he cannot draft motions, file briefs in reply to the government's opposition papers, or prepare the status letter as directed by the Court. Accordingly, Mr. Schulte respectfully requests the opportunity to appear before the Court before the scheduled status conference on November 8 so that he may be heard on the issues that hinder his ability to comply with the Court's order.

Respectfully submitted,

/s/

Sabrina P. Shroff

Deborah A. Colson

Standby Counsel for Joshua A. Schulte

cc: Joshua A. Schulte (by regular mail)
Government counsel (via ECF)